IN THE HIGH COURT OF JUDICATURE AT BILASPUR:CHHATTISGARH

Writ Petition No. 1632 of 2001.

PETITIONER : Shamsher Bahadur Singh son of late Shri Ran Bahadur Singh, aged about 58 years, Assistant Statistical Officer (under suspension), Distt. Planning & Statistics Office, Kawardha, Distt. Kawardha, present resident house of Shrivastava, near Khandare Patho Clinic, Anand Nagar, Post Office Adhartal, Distt.Jabalpur M.P.

In person

P.R. No. 12528/01
Presented by Shri Shamsher Bahadur Singh Petitioner in person
dated 31.8.01

V E R S U S

RESPONDENTS : (1) State of Chhattisgarh
Through: Secretary, Planning & Statistics, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).

(2) Director, Planning & Statistics, Mahila Polytechnic Building, Pension Bada, Bairan Bazar, Raipur (C.G.)

(3) S.R.Patel, Distt. Planning & Statistical Officer, (By name)
Through : Secretary, Planning & Statistics, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

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6/9/01
CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUING WRITS IN THE NATURE OF CERTIORARY, MANDAMUS AND FOR OTHERS APPROPRIATE DIRECTIONS :

.....contd.....

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(67)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.9.2001

The petitioner Shamsher Bahadur Singh in person.

Shri Gautam Bhaduri, Government Advocate, for the respondents.

While serving as Assistant Statistical Officer in the office of respondent No.3 the District Planning & Statistical Office at Kavardha , an order of suspension was issued on 29.9.2000. The petitioner approached the State Administrative Tribunal. However, no progress was made in the proceeding. In the meantime, the State Administrative Tribunal ~~was~~ ceased to function for some time. It was during that time that this writ petition under Article 226/227 of the Constitution of India was filed by the petitioner on 31.8.2001. It may be stated that as on this date, the Tribunal is functioning. This fact is not disputed. The petitioner submits that since he has already approached this Court, he may not be sent back to the Tribunal and that the matter may now be examined on merit by this Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution, in as much as according to the petitioner, this Court has ample power to do so.

I may say that in some exceptional circumstances, this Court may also entertain the petition which otherwise could also be examined by the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

68

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	State Administrative Tribunal. In the instant case, petition was filed before the State Administrative Tribunal on 15.5.2001 and the same is still pending before the said authority. I must state here that the State Administrative Tribunal has been set up for specific purpose. No doubt, the case of the petitioner would come especially within the purview of the jurisdiction of the SAT. It seems that the petitioner is having some apprehension that disposal of the matter may be delayed if it is to be examined by the learned Tribunal. In my view, he does not need to have such apprehension. ~~Even~~ Contrary wise, at present this High Court ~~does not think it reasonable~~ to expedite disposal thousands of cases which are already pending before it. In fact, disposal of this matter can be expedited before the Tribunal. A grievance has also been expressed that the petitioner though he has been under suspension for more than one year, he has been paid only subsistence allowance @ 50%. This aspect,; in my view can be looked into ;immediately by the learned Tribunal. In the few facts and circumstances that I have recorded, I am of the opinion that this petition should be disposed today itself with a direction that the petitioner shall pursue the matter which is already pending before the tribunal.	

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XI-HG-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(69)

आदेश पत्रक

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	A copy of this order be placed before the learned Tribunal and for doing needful. This petition is disposed of with the direction aforesaid. C.C. today. Sd/- Chief Justice	